

## **June 6, 2012 Planning Commission Meeting Minutes**

The Eudora Planning Commission met in regular session on Wednesday evening, June 6, 2012 in the Eudora Municipal Building with six members present: Chairman Kurt von Achen, Vice Chairman Richard Campbell, Ken Adkinson, Glenn Bartlett, Grant Martin and Johnny Stewart. Jason Hoover was absent.

Also present were City Administrator John Harrenstein, Codes Administrator Curt Baumann, Economic Development Analyst Collin Bielser, and Consultant Scott Michie of Scott A. Michie Planning Services.

Chairman von Achen called the meeting to order at 7:00 p.m., the pledge of allegiance was recited and the minutes of the April 4, 2012 meeting were approved as circulated. The May Planning Commission meeting had been canceled as there was nothing on the agenda.

Before the minutes were approved, Richard Campbell, who had not been present for the April meeting, commented on the minutes which mentioned placing Parks & Recreation playing fields on school property south on County Road 1061. He remarked there is a lot of land still available in the Shadow Ridge development.

Administrator Harrenstein told him that the plan for having the fields on school grounds is being changed and the city council will look for another area for the park.

Harrenstein reported that the city will be doing a lot of maintenance on streets in Winchester Estates this summer, and on 20<sup>th</sup> Street, especially a new base and double overlay from the veterinary clinic to Winchester Road. He said Douglas County is contributing to the 20<sup>th</sup> Street work, and that the county will also be doing their final maintenance on their connecting links of 10<sup>th</sup> Street (old Highway 10 running east and west through town) this year and on County Road 1061, the north & south link next year. Since we now have a population of over 5,000 the county no longer has to be responsible for those streets, he explained.

Johnny Stewart asked Harrenstein if the city plans to modify 20<sup>th</sup> Street before they resurface it? Harrenstein said that with the current urgent need for repairing the street, plus the cost of redesigning it, the council decided to wait for realignment until more development occurs. In the meantime, he said, we will work on choosing the alignment we want, and it may then be possible to form a benefit district to help with the costs.

Harrenstein also told the commission that the question of changing from the Mayor-Council form of government to a Commission-City Manager system, will be on the ballot at the November 6 election, and that he will be giving the Planning Commission an overview and public meetings will be held to explain the choice to the voters.

He also said the council is considering adding fluoride to the city water, but it is understood that there are strong opinions on both sides of that question, so public meetings will also be held on that topic. He said there may be a city newsletter about it and it will be on the city website. He added that the public safety building is in the design phase, and the commission may see the plans soon.

Harrenstein was asked about the skate park which had been on the city council agenda for the June 4 meeting. He said the parents involved were not able to attend the council meeting so he understands they will send him and the council a written proposal.

The building inspector's report showed 17 permits issued for an estimated value of \$33,340 and permit total fees for the year collected so far amount to \$42,658.91 compared to \$30,283.68 at this time in 2011. Seventy-five permits had been issued to this date in 2011; this year 87 have been issued, which shows some growth.

Chairman von Achen asked for public comment but there was none, so he called for the first item, a public hearing to consider the application by Sterling Readiness Rounds L.L.C. of Eudora for a zoning district classification amendment of a property located at 1103 Main Street from RS-Single-Family Residential to C-Commercial district. He invited someone to speak.

Bielser responded that the applicant requested the zoning application be deferred. The chairman addressed those present who had come for the public hearing. He urged them to remain and listen to the discussion of adaptive re-use. Consultant Michie told the commission they could schedule a public hearing for the July meeting to consider the text amendment which would establish a new definition of adaptive use. He told them they could allow existing conforming structures to be used for a new adaptive use with the exception of retail or industrial use. It could be for general business. This would be considered under Planned Overlay District (POD), section 16-310 of the existing zoning ordinance. It would be a simple change, he said, a permitted use in any one of the three residential districts.

Stewart asked why they decided to make it non-retail? Bielser replied that staff made the decision because retail would bring more traffic into the area.

Ken Adkinson said he understands allowing a church or school into a residential district, but that he objects to putting an office building there.

Michie said staff is considering this amendment because it really is not in the public or neighborhood interest to allow a building to set vacant for years.

Stewart again objected to allowing no retail use. He pointed out that West Elementary is right in the middle of a residential area, and there could be a retail use that would please the residents. These buildings we are considering, schools and churches, have ample parking, he added.

Michie told Stewart that the commission could consider such business zoning for West, since it is on Winchester Road, a major traffic artery.

The chairman called attention to a table in Michie's memorandum which gave a proposed square footage for employees in a building, with the most suggested being 2.58 employees per 1,000 square feet. He noted that Eudora's building code calls for 100 square feet per person.

Michie said the chart is just food for thought, but you might find a call center could cram 50 people into a building and that would magnify traffic a lot.

Campbell asked about required setbacks if an empty building is going to have a different use? Michie answered that the buildings being considered conformed to setbacks and all other regulations when they were built, but that a Planned Overlay District allows adjustments and flexibility.

Michie also suggested to the commission that the 15 page POD regulations could be pared down to five pages, and that the requirements for a Use Permitted Upon Review could be dispensed with, because a POD requires a public hearing just like a UPUR or a rezoning, but it avoids the land use debate of a UPUR and the "spot zoning" of a rezoning.

Grant Martin asked Michie if the zoning regulations have a definition for a "long-standing building" as mentioned in his memo? Michie said he used "long-standing" just as an explanation and the term will not be included in the text amendment. von Achen added that in this case, time is not a factor.

**Richard Campbell moved that that the Planning Commission set a public hearing for the July meeting on the proposed text amendment adding to the list of permitted uses in each R-District that "Adaptive re-use of existing non-residential conforming structures with a new non-residential use in accordance with Sub-section 16-310, POD-Planned Overlay District; except that, such adaptive re-uses shall not be a retail commercial or industrial use."** Glenn Bartlett seconded the motion and the vote was unanimous in favor, 6-0.

Harrenstein reminded the commission that the normal meeting date, the first Wednesday of the month, will fall on the Fourth of July holiday. It was difficult to find a date when all members could be present. Finally the second Wednesday, the 11<sup>th</sup>, was selected, and **Richard Campbell moved to set the meeting on Wednesday, July 11<sup>th</sup>.** Grant Martin seconded the motion and the vote was 3-2, with Ken Adkinson and Glenn Bartlett voting "No".

Stewart, who will not be able to be present at the July meeting, asked the commission to think about allowing retail uses in the adaptive re-uses. He said he has been in a number of towns that have coffee shops, restaurants and small shops in residential districts, and it gives a neat ambiance.

From the audience, Jim Lynch asked if they are considering re-use of only the building, or the land around it also? The answer was that the whole site is included.

**Glenn Bartlett moved to adjourn,** Richard Campbell seconded the motion and the meeting adjourned at 7:40 p.m.

Signed: \_\_\_\_\_

  
Chairman, Kurt von Achen

Signed: \_\_\_\_\_

  
Marjorie Gronniger, Secretary

